INVESTIGATIVE SUMMARY

INTERNAL AFFAIRS BUREAU SUMMARY
CASE #IV2316815

Involved Employee:	**Linda Barr, Sergeant** **Employee [redacted]** **Century Regional Detention Facility**
Date:	**July 11, 2012 (Wednesday)**
Time:	**0124 hours**
Location:	**[redacted] S. Garfield Place** **Ontario, CA 91761**

SYNOPSIS

On July 11, 2012, at approximately 0124 hours, while off duty in the city of Ontario, Subject Linda Barr was arrested by officers from the Ontario Police Department for Domestic Assault (273.5 PC) and Delaying/Resisting a Police Officer (148 PC). (see Ontario Police report 120700580 under **Exhibit A and officers audio interaction with Subject Barr in Exhibit C**).

The handling officer, Officer [redacted], responded to Subject Barr's residence regarding an incomplete 9-1-1 call (see **Exhibit B**). He contacted Subject Barr and [redacted] (Witness [redacted], [redacted] of Subject Barr), who were still arguing when he arrived. Officer [redacted] observed that Witness [redacted] had a bloody mouth and she would have to spit out blood when speaking to him. He also observed Subject Barr's right eye was swollen shut and black and blue in color. Both individuals told Officer [redacted] that they were arguing only and Witness [redacted] said she was bleeding due to being anemic. Officer [redacted] requested his supervisor, Sergeant [redacted] respond to his location, due to Subject Barr being a Sergeant with the Los Angeles County Sheriff's Department.

> **IAB Note:** Subject Barr told Officer [redacted] her eye was swollen due to an eye infection. Officer [redacted] noted in his report that Subject Barr provided work related paperwork showing this. Sergeant [redacted] noted in his report he observed medical paperwork showing Subject Barr was treated for [redacted] and [redacted] with an injury date of July 8, 2012 (see picture in **Exhibit D**).

> **IAB Note:** Officer [redacted] interactions at the location with Subject Barr and Witness [redacted] were digitally recorded and are contained in **Exhibit C**.

Witness [redacted] told Officer [redacted] the argument was due to her becoming jealous over another woman who was a friend (co-worker) of Subject Barr's. Witness [redacted] said they had gone out for drinks (alcohol) and then went home, when the friend left, she and Subject Barr began to argue. As Officer [redacted] interviewed Witness [redacted] he observed her mouth continually bled but he did not see any injuries inside of her mouth. He also observed physical damage to property including; broken glass in the hallway from a picture frame, a bent window screen laying in the living room, and Witness [redacted] cell phone in three pieces on the floor. Witness [redacted] told Officer [redacted] she broke some pictures and that was why broken glass was on the floor. (See pictures under **Exhibit D**).

> **IAB Note:** Subject Barr in her Internal Affairs Bureau interview identified Deputies [redacted] and [redacted] as being the "friends" who were at the location prior to the incident.

Subject Barr told Officer [redacted] she had a [redacted] with Witness [redacted] for [redacted] and they had a [redacted] together [redacted]. She told Officer [redacted] she wanted Witness [redacted] out of her house and reiterated the jealousy account offered by Witness [redacted]. She told Officer [redacted] there was no physical violence between her and Witness [redacted] and when asked why Witness [redacted] was bleeding from her mouth, Subject Barr said, "She just does that."

Officer [redacted] and Sergeant [redacted] escorted Witness [redacted] to her bedroom so she could gather her belongings and leave the location. As Witness [redacted] was gathering her belongings, Officer [redacted] and Sergeant [redacted] noticed injuries began to appear on Witness [redacted] including; bruising to the right side of her neck that appeared to be three finger marks from being choked, swelling and a bluish color to her nose, cuts on both sides of her tongue, bruising on her upper right arm and scratches to her lower right arm (see pictures in **Exhibits D**).

Officer [redacted] asked Witness [redacted] how these injuries occurred, but her explanations, including that a necklace she was not wearing caused the neck bruising, were refuted by the evidence. Witness [redacted] became uncooperative with Officer [redacted] and stated Subject Barr was a Sergeant and she did not want her to lose her job. Witness [redacted] told the officers she did not believe them about her injuries and said she (Witness [redacted]) must have done them to herself. When Witness [redacted] was asked to look in the mirror at her injuries Officer [redacted] noted she had a surprised look on her face and said she did not know she looked that way (with the injuries). Witness [redacted] told Officer [redacted] and Sergeant [redacted] she caused the injuries to herself, then changed her story and said maybe Subject Barr accidentally caused the injuries by trying to stop her from going crazy.

Officer [redacted] consulted with Sergeant [redacted] and the decision to place Subject Barr under arrest for domestic violence was made. Sergeant [redacted] and Officer [redacted] contacted Subject Barr and explained to her why she was being arrested. Subject Barr began to cry and denied she did anything wrong. When Officer

[redacted] told her to put her hands behind her back, Subject Barr did not comply. Officer [redacted] stated in his report, "I gently grabbed her upper left arm as she was still sitting and she immediately pulled away from me."

Officer [redacted] said he told Subject Barr she did not want to "go this route" and Sergeant [redacted] also began speaking to her to get her compliance. Subject Barr stood up and Sergeant [redacted] advised her to place her hands behind her back, to which she placed them on her hips. Officer [redacted] noted that Subject Barr held her hands there for approximately ten seconds until she placed her hands behind her back and was taken into custody "without any further resistance."

<u>Ontario Police Sergeant [redacted]</u>

Sergeant [redacted] responded to this incident at the request of the handling officer and documented his actions/observations in a supplemental report (see **Exhibit A**).

> **IAB Note:** Sergeant [redacted] interactions at the location with Subject Barr and Witness [redacted] were digitally recorded and are contained in **Exhibit C**.

Sergeant [redacted] observed Witness [redacted] wiping blood from her mouth and noticed a moderate smell of alcohol coming from her breath and person. Witness [redacted] said she had a few shots and a few beers and that she and Subject Barr were not fighting and she did not know who called 9-1-1.

Sergeant [redacted] monitored Witness [redacted] as she walked through the kitchen to gather some of her belongings. After Subject Barr made a comment to Witness [redacted] about their relationship, Witness [redacted] asked Sergeant [redacted] what she needed to do to "file." Witness [redacted] was questioned about her comment and said she wanted to file something, but would not give Sergeant [redacted] any additional information.

Sergeant [redacted] and Officer [redacted] accompanied Witness [redacted] to her bedroom to gather her belongings. While there, Sergeant [redacted] noted that Witness [redacted] had several red marks along the right front side of her neck, in the shape of fingers. Sergeant [redacted] noted these marks were consistent with Witness [redacted] being choked.

Sergeant [redacted] asked Witness [redacted] about the marks and she attributed them to her necklace. When told her injury was not caused by a necklace, Witness [redacted] said she did not know how she got the injury and that she was drunk. Sergeant [redacted] noted as he spoke to Witness [redacted] that her nose was swollen and bluish in color.

Sergeant [redacted] interviewed Subject Barr and noted that he detected a slight odor of alcohol coming from Subject Barr's breath and person, and Subject Barr admitted to having a few beers. She told Sergeant [redacted] that Witness [redacted] was jealous of one of her friends that had come over and an argument ensued.

Subject Barr told Sergeant [redacted] that Witness [redacted] had "wigged" out and broke her mother's picture. She said Witness [redacted] had broken the window screen and crawled through the window from the outside. She denied ever touching or pushing Witness [redacted] outside. Subject Barr was asked about the marks on Witness [redacted] neck and she denied doing anything to Witness [redacted] to cause the injury. Subject Barr denied calling 9-1-1 and did not know who did.

Sergeant [redacted] noted that Subject Barr had a small scratch/abrasion under her right eye, a small scratch on her left cheek, and a small ½ inch scratch near her right elbow. Subject Barr told Sergeant [redacted] her eye was swollen from "messing" with it and was so swollen she had missed work. Sergeant [redacted] noted that he observed medical paperwork indicating Subject Barr was being treated for [redacted] and [redacted]

Subject Barr told Sergeant [redacted] that the police had been at her residence regarding an argument in the past but nothing happened. He checked Ontario PD records and discovered that Ontario Police Officers had been at Subject Barr's residence in May of 2009 regarding an incomplete 9-1-1 call (OPD incident #091470609). No subject names were listed in the call and it was a verbal argument only.

Sergeant [redacted] wrote that based on the victims (Witness [redacted]) injuries and evidence at the scene, he believed Subject Barr had assaulted Witness [redacted] Sergeant [redacted] ordered Officer [redacted] to place Subject Barr under arrest and she was transported to Ontario Police Department for processing.

At the station, Sergeant [redacted] noted Officer [redacted] had attempted to obtain pictures of Subject Barr's face, arms and legs, but she refused (see **Exhibit C, Audio 1, track 1, starting at the 12:10 mark**). Sergeant [redacted] explained to Subject Barr these were needed as part of their investigation and to document whether she had any injuries. Subject Barr continued to refuse and it was explained she would be charged with delaying a police officer. Subject Barr did not change her stance and was additionally charged with 148 PC.

> **IAB Note:** In reviewing the audio interaction between Sergeant [redacted] and Subject Barr beginning at approximately the 13:45 minute mark of audio 1, track 1, in **Exhibit C**, Sergeant [redacted] explains to Subject Barr that the Ontario Police Department is a temporary holding facility and she could not post bond there. He then explained to Subject Barr that they were doing an investigation and needed to get photographs and that she was delaying them. Subject Barr said "Oh well" and then said to Sergeant [redacted] "Your delaying my life, putting me here when I shouldn't be here." Sergeant [redacted] continued to request Subject Barr take the photographs they were requesting, including pictures of her arms and hands, but Subject Barr continued to say no. At this point Sergeant [redacted] asked Subject Barr if she was refusing to take photographs and

she said "Yes." Sergeant [redacted] then advised Subject Barr that the additional charge (148 PC) would be added and Subject Barr said "Ok."

Sergeant [redacted] responded back to Subject Barr's residence with LASD Captain Joseph Nunez to take possession of two handguns (one Department issued) that Subject Barr had in the glove box of her vehicle. Sergeant [redacted] noted Captain Nunez retrieved two loaded handguns from the vehicle; 9MM Beretta serial #BER[redacted] and a .38 caliber S & W revolver serial #CEM[redacted] (see printouts in **Exhibit G**). Captain Nunez took possession of the Beretta and Ontario PD placed the S & W into evidence.

<u>Ontario Police Officer [redacted]</u>

Officer [redacted] responded to this incident and documented his actions/observations in a supplemental report.

Officer [redacted] wrote that he and Sergeant [redacted] contacted Subject Barr to place her under arrest. Upon contact, Officer [redacted] told her he was going to be "straight forward" with her, and due to the evidence she was being placed under arrest. Officer [redacted] said Subject Barr became upset and denied wrongdoing. When he told her to place her hands behind her back Subject Barr did not comply. Officer [redacted] wrote he gently grabbed her upper left arm as Subject Barr was seated, and she immediately pulled away from him. After speaking to her further, along with Sergeant [redacted], Officer [redacted] noted that Subject Barr was taken into custody "without any further resistance."

> **IAB Note:** This incident is captured on audio by the Ontario Police Department at the scene. In listening to this encounter on **Track 4 (Exhibit C)**, Subject Barr is vocally upset about being arrested and is asked twice by Sergeant [redacted] to put her hands behind her back. When asked the first time, Subject Barr responded, "I am not stupid, I know how this goes."

Officer [redacted] escorted Subject Barr to his patrol car where she was seated in the rear seat and transported to Ontario PD station. At the station, Officer [redacted] requested a Forensic Specialist take photographs of Subject Barr. Subject Barr refused to allow photographs be taken.

Officer [redacted] attempted to interview Subject Barr regarding the incident at the station, but she would not consent. However, Subject Barr made spontaneous statements about what happened including that Witness [redacted] was doing this to her so Witness [redacted]. Subject Barr said that Witness [redacted] broke her mom's picture and she got "pissed."

Officer [redacted] noted that Los Angeles County Sheriff's Captain Joseph Nunez responded to Ontario Police Department and spoke with Subject Barr. After they

finished speaking, Officer [redacted] asked Forensic Specialist [redacted] to take photographs of Subject Barr. Subject Barr refused a second time to comply. Officer [redacted] asked Subject Barr if she was refusing to cooperate with law enforcement and Subject Barr said, "Yes." (see **Exhibit C Audio 1, track 1, starting at the 12:10 mark)**

> **IAB Note:** During this interaction between Officer [redacted] and Subject Barr, Subject Barr can be heard telling the officers she wanted to make a phone call. Officer [redacted] advised Subject Barr they needed to take photographs and for her to cooperate with them so they could finish their investigation. Subject Barr told him she would not do anything until she made a phone call. When asked if she was refusing to cooperate, Subject Barr stated she was refusing to take pictures.

> **IAB Note:** Subject Barr had already been contacted by Captain Joseph Nunez prior to this interaction.

Officer [redacted] went back to Subject Barr's neighborhood on July 11, 2012, at approximately 2300 hours, in an attempt to locate any witnesses to this incident, none were located (see report in **Exhibit A**).

Court Case

Subject Barr's arrest was handled under case #MWV1203105 in the San Bernardino County Superior Court. Charges of 148 PC – Obstruct/Resist a Public Officer and 415 PC - Disturbing the Peace, were filed. On February 6, 2013, Subject Barr plead *Nolo Contendre* to the 415 PC and was found guilty. The 148 PC charge was dismissed as part of the plea agreement (see **Exhibit F**). The following sentence was set;

- Violate no law other than minor traffic
- Total fines of $464, includes victim restitution fine
- 36 week anger management program
- Serve 1 day in a San Bernardino County Jail facility, credit time served

The initial arrest by Ontario Police Department for Domestic Violence (273.5 PC) was not filed by the District Attorney (see **Exhibit F**). Supervising Deputy District Attorney David Hidalgo wrote:

- The facts described in the report were consistent with mutual combat
- It cannot be determined who initiated the physical confrontation
- Both have 5th Amendment rights against self-incrimination

- Cannot be compelled to testify

- Insufficient evidence to corroborate the statements given by either subject

- The victim refused to cooperate and provide more information about what occurred and how she obtained her visual injuries

- There were no other witnesses and the domestic violence allegation against either subject cannot be proved beyond a reasonable doubt

Additional Information

Sergeant Barr was interviewed as part of this investigation. She denied that there was any physical altercation between herself and Witness [redacted], and that only their [redacted] was home during their verbal argument. During her interview she revealed that she had been at a restaurant with two Sheriff Department employees and that they accompanied her and Witness [redacted] back to their residence that evening. Subject Barr stated that the employees were Senior Deputy [redacted] and Deputy [redacted]. Both of these employees were interviewed as witnesses and Deputy [redacted] revealed another employee, Sergeant [redacted] had been at the restaurant as well, but did not go with them to Subject Barr's residence. Sergeant [redacted] was also interviewed as a witness in this matter.

All of the above witnesses stated they did not see any physical or verbal altercation between Subject Barr and Witness [redacted] that evening. When shown pictures of the bruising on Witness [redacted] neck all witnesses said they did not notice the bruising on Witness [redacted] that evening.

> **IAB Note:** In pictures provided by Ontario Police Department, Witness [redacted] is shown wearing a multi-colored tank top with an unobstructed view of the injury to her neck. In pictures taken later that day by Ontario Police Department of Witness [redacted] injuries, which became even more visible, she is still wearing the same tank top.

Each witness was able to verbally describe their recollection of the appearance of Subject Barr's right eye that evening, as they each remembered Subject Barr suffering from an eye infection. When shown a picture of Subject Barr's booking photograph (see **Exhibit D and E**), which depicted her right eye as being severely swollen, each witness believed the photograph showed Subject Barr's eye as being more swollen and discolored from what they remembered when at the restaurant and at Subject Barr's home.

This investigator reviewed the injury report that was written/investigated by Sergeant [redacted] (Witness [redacted]) on July 9, 2012, in regards to Sergeant Barr's eye injury. The report stated that the right eye of Subject Barr was red

and almost swollen shut, [redacted] The report was signed and approved by Sergeant Sandra Alexander [redacted] on July 24, 2012.

Subject Barr was treated by Phuong, Narin P.A. [redacted] on July 9, 2012. The notes indicated [redacted] off work until July 10, 2012 (1 day). Subject Barr was seen again on July 16, 2012, by Arreguin, G. [redacted] The Healthworks report indicated: [redacted], return without restrictions.

Witness [redacted] was interviewed as part of this investigation. When shown the booking photograph of Subject Barr she stated that the injury depicted in the picture was more severely swollen than what she recalled. She said she would not have written a "92" (Employee Injury Report) if Subject Barr had come to work with the pictured injury and would have contacted a lieutenant.

Witness [redacted] declined to be interviewed as part of this investigation.

The following narratives are intended only as synopses of the interviews. Additional information and precise wording may be obtained by reviewing the audio recorded interviews and verbatim transcriptions.

Witness [redacted]

Witness [redacted] was contacted by this investigator via phone message on August 6, 2013, requesting an interview. She returned my call on August 7, 2013 at 2001 hours, leaving a voice message that she declined to be interviewed.

Witness Deputy [redacted]

Witness [redacted] was interviewed on July 30, 2013, at Century Regional Detention Facility by Sergeant Patrick Mannion and Sergeant Brenda Parker of the Internal Affairs Bureau.

Witness [redacted] said that on July 10, 2012, she met with Subject Barr, Subject Barr's friend (Witness [redacted]), and Witness [redacted] at a Mexican Restaurant in the city of Industry. She said she arrived at the restaurant at approximately 2230 hours after getting off work.

> **IAB Note:** Witness [redacted] when shown a picture of Witness [redacted] identified her as being at the restaurant (see **Exhibit E**).

Witness [redacted] said they stayed at the restaurant until approximately midnight and then they went to Subject Barr's residence. She did not see any fighting or verbal arguing between Subject Barr and Witness [redacted] at the restaurant. Witness [redacted] said she stayed at Subject Barr's residence for about an hour, leaving around 0130 hours, and did not witness any fighting or verbal arguing between Subject Barr

and Witness [redacted]. Witness Gonzalez said she did not observe any bruising on Witness [redacted] that night and said she did not observe bruising on Witness [redacted] neck as shown to her in a picture that was provided by Ontario Police Department (see **Exhibit D and E**).

Witness [redacted] was asked if Subject Barr had any kind of swelling on her eye (right) and Witness [redacted] said Subject Barr had an eye infection. She said Subject Barr looked like she had a black eye, as the eye was puffy and dark around it.

Witness [redacted] was shown a picture of the eye as taken in her (Barr) booking photograph and asked if it looked that way that night (see **Exhibit E**). Witness Gonzalez said, "It wasn't that bad, no." She explained that Subject Barr's eye was puffy, dark, and able to be opened, and reiterated it did not look as it did in the photograph. She further explained that Subject Barr's eye was not as swollen when she saw it. Witness [redacted] said Subject Barr had told her the eye was getting worse and that was why Subject Barr had been off work. Witness [redacted] said she left Subject Barr's residence that evening with Witness [redacted]

Witness Deputy [redacted]

Witness [redacted] was interviewed on August 5, 2013, at Century Regional Detention Facility by Sergeant Patrick Mannion and Sergeant Louis Vigil of the Internal Affairs Bureau.

Witness [redacted] said that on July 10, 2012, she was at El Tepeyac restaurant with Subject Barr, Witness [redacted], Witness [redacted] and Witness [redacted], whom she said arrived later in the evening. Witness [redacted] said they arrived at the location in the early evening hours (between 3-5 pm) and they were drinking beers, but she did not know the exact amount, nor did she remember if Witness [redacted] had been drinking. Witness [redacted] said she did not observe Subject Barr and Witness [redacted] have any problems while at the restaurant and said, "We were having a good time."

Witness [redacted] said they left the restaurant around 10:30 pm, but then also said it was late and did not remember the exact time. She said they went to Subject Barr's residence in Ontario (CA), except for Witness [redacted] and stayed for approximately an hour and a half. Witness [redacted] said Subject Barr's and Witness [redacted] was also there. She said she did not drink that much anymore and left with Witness [redacted] whom she had carpooled with.

Witness [redacted] said she did not observe any marks or injuries on Witness [redacted] that night and said she did not observe injuries on Witness [redacted] neck as shown to her in a picture that was provided by the Ontario Police Department (see **Exhibit D and E**).

Witness [redacted] said she did not observe any injuries or bruising on Subject Barr that night and when asked about Subject Barr's eye, said she (Barr) had pink eye. She

described it as being puffy and that she [redacted] made a joke about it at the restaurant. She went on to describe it (eye) as being dark, a little swollen, and that Subject Barr could open it a little bit. Witness [redacted] said, "It almost looked like she had like a little lazy eye."

Witness [redacted] was shown a picture of the eye as taken in her (Barr) booking photograph and asked if it looked that way that night (see **Exhibit E**). Witness [redacted] said, "No, sir. It didn't look like that," and went onto say that the bottom part of the eye was not as swollen or bruised and the upper part of the eye was not as dark (as shown in the picture).

Witness Sergeant [redacted]

Witness [redacted] was interviewed on August 5, 2013, at the Internal Affairs Bureau by Sergeant Patrick Mannion and Sergeant Mark Reyes of the Internal Affairs Bureau.

Witness [redacted] said she remembered going to El Tepeyac restaurant with Subject Barr, [redacted] (Witness [redacted]), and Witness [redacted], but did not remember the exact date. She said the others were there before she arrived, which was around five (pm). She said she stayed until around seven (pm) because she had somewhere else to be, and did not see them for the rest of the night.

Witness [redacted] said Subject Barr and Witness [redacted] were drinking beer and said "we did not have many to be honest." She went onto explain that there was a problem with the beers having rust on the bottle caps and believed they sent more back, than they actually consumed.

Witness [redacted] said she did not witness Subject Barr or Witness [redacted] have any verbal or physical altercations, and did not hear of any rumors that they were having any kind of problems while she was there.

Witness [redacted] said she did not observe any kind of marks scars or bruising on Witness [redacted] at the restaurant and said she did not observe bruising on Witness [redacted] neck as shown to her in a picture that was provided by Ontario Police Department (see **Exhibit D and E**). Witness [redacted] said no, when asked if she remembered Witness [redacted] complaining about any marks or bruising.

Witness [redacted] said there was something different about Subject Barr's eye (right) that night. She said she did not know if it was swelling or bruising and had known that Subject Barr had some sort of infection "or something" going on. She said she did not remember if the eye was open or if Subject Barr could see out of it. She said it did not look like pink eye and remembered Subject Barr saying she was off work because of an eye infection.

Witness [redacted] was shown a picture of the eye as taken in her (Barr) booking photograph and asked if she remembered Subject Barr's eye looking that way (see **Exhibit F**).

Witness [redacted] said she remembered the "cut looking thing" (lower right eye lid) and that it was dark. She said she did not remember it being shut (as depicted in the picture), but thought she remembered the bruising on the eyelid. Witness [redacted] went onto say the right eye appeared to be puffier than she recalled and had more coloring to it, being darker than what she recalled it being in person.

Witness [redacted]

Witness [redacted] was interviewed on August 13, 2013, at the Criminal Courts Building by Sergeant Patrick Mannion and Sergeant Mark Reyes of the Internal Affairs Bureau.

Witness [redacted] said she remembered writing an employee injury report for Subject Barr regarding an eye injury, possibly pink eye, on July 9, 2012. She said she could not remember exactly what the eye looked like, just that it was red and swollen, and looked different than the average person with pink eye.

Witness [redacted] was shown a picture of the eye as taken in her (Barr) booking photograph and asked if she remembered Subject Barr's eye looking that way (see **Exhibit E**). She said, "No, not at all." Witness [redacted] went onto say the eye looked worse than what she had saw (in person) and it was "a lot more redder [sic]."

Witness [redacted] was asked if the eye was more swollen than what she remembered. She said, "Severely." Witness [redacted] said if she had seen this (eye condition as shown in the picture) the day she wrote the report, she would not have written it. She said after looking at the picture, *"If she (Barr) would have come in with that injury, I, to work, I would not have filled out a 92 for pink eye, I would have you know, Employee Support Services, I would have immediately contacted a lieutenant, because that was a clear injury to her face. Somebody hit her in her face."*

Witness [redacted] said that she had been texted by Subject Barr when she (Barr) was relieved of duty the second time. She said Subject Barr texted her that she (Barr) was going to possibly be fired. Witness [redacted] said Subject Barr had texted her that she (Barr) was uncooperative with the agency that arrested her because they wanted to take pictures of her eye. She said the texting conversation was Subject Barr reminding Witness [redacted] that she had pink eye and Witness [redacted] telling Subject Barr she would testify to having filled out a "92" (Employee Injury Report).

Witness [redacted] said she would text Subject Barr bible verses while she (Barr) has been relieved of duty to keep Subject Barr's spirits up. She said Subject Barr did not text her that she (Barr) had been interviewed by Internal Affairs. Witness [redacted] attempted to retrieve these text messages with Subject Barr from her personal phone, but was unable to do so.

Subject Linda Barr

Subject Barr was interviewed on July 29, 2013, at the Internal Affairs Bureau, by Sergeant Patrick Mannion and Sergeant Laura Haynes of the Internal Affairs Bureau. She was represented by Audra Call from the law offices of Green and Shinee.

Sergeant Barr stated there was nothing "at this time" she wanted to "add, modify or delete," about her statements to the Ontario Police Department. She said she is still living with Witness [redacted].

Subject Barr said she had gone out drinking at a Mexican restaurant in the City of Industry the night of this incident. She said she was with Witness [redacted], Witness [redacted] and Witness [redacted], whom she said met them at the restaurant after work. Subject Barr said everyone was drinking and she remembered having "maybe six beers or so" in total that night (This would include drinks she later consumed at her residence). She said she did not feel impaired with six beers, from what she recalled. Subject Barr said she did not have any problems with Witness [redacted] while at the restaurant.

Subject Barr said all four of them left the restaurant around eight or nine (PM) and went to her home. She said they continued to drink at her home, but she did not know what Witness [redacted] had to drink because she (Barr) was outside talking with Witness [redacted] most of the time. Subject Barr said Witnesses [redacted] and [redacted] stayed about an hour and left around "11 or so." She said her (Barr) and Witness [redacted] did not argue with each other in front of the witnesses. Subject Barr said her [redacted] was there at her house when everyone was there and said he had been brought home by the neighbor (nfd) who was watching him. She said they later put him to bed around 10pm.

Subject Barr said half an hour to an hour after the witnesses left, she and Witness [redacted] got into a verbal argument about Witness [redacted] being jealous of Witness [redacted]. She said Witness [redacted] had told Witness [redacted] that she (Barr) hangs out after work drinking with them (Witness [redacted] Witness [redacted]). She said this was not true. She said they argued for about a half-hour and it did not get physical. She said she did not call 9-1-1 and said she did not know if Witness [redacted] did. Subject Barr said she did not see Witness [redacted] on the phone and did not see her make any phone calls. When asked if her [redacted] called 9-1-1, Subject Barr said no, and that he was asleep and never woke up.

> **IAB Note:** Later in this interview, Subject Barr stated that it had to have been Witness [redacted] who called 9-1-1, because neither she nor her [redacted] called.

Subject Barr acknowledged Witness [redacted] cell phone was in three pieces on the ground as reported by Ontario Police Department. She said she did not take the phone away from Witness [redacted] to prevent her from calling 9-1-1. When asked how Witness

[redacted] phone came to be on the ground in three pieces she said Witness [redacted] took it apart all the time. She said "It freezes up, she'll pull the battery, let it sit out and sometimes if she doesn't want to answer the phone, instead of turning it off, she just takes it apart and leaves it there all night. Sometimes she'll leave it for days."

Subject Barr said there was no physical violence between her and Witness [redacted]. Subject Barr was asked about the injuries to Witness [redacted] and shown pictures documented by Ontario Police Department. Subject Barr answered "No" each time she was shown the following pictures of Witness [redacted] and asked if she (Barr) caused the injuries shown in them. She also said she did not know how Witness [redacted] acquired the injuries/bruising depicted in the pictures:

- Picture of the right side of Witness [redacted]' neck showing bruising in the shape of fingers.

- Large bruise to the right shoulder area

- Bruising to the underside of the right forearm

- Small bruise to the underside of the left arm

- Four circular bruises to the upper right arm

- Puncture wounds to the left and right side of the tongue

When asked if she caused the circular bruises to Witness [redacted]' upper right arm and that they appeared to be from grabbing of the arm, Subject Barr said "No. I don't, I don't think so." She went on to explain that Witness [redacted] had a picture of hers and she was trying to take it away. She then said, "I didn't…no. You mean like grabbing? No." Subject Barr said she did not see any of these injuries/bruising before the incident occurred and would have asked Witness [redacted] about it if she had.

During their argument, Subject Barr said Witness [redacted] had grabbed ahold of an old photograph in a frame. She said the picture was from the 1940's and depicted a picture of her mother in her (mother) best friend's wedding. She said she inherited this picture from her mother and Witness [redacted] knew the importance of the picture to her. Subject Barr said she tried to pull it away from her and when she did, she heard it cracking, and let go of it. She said Witness [redacted] dropped herself onto the hard tile floor hugging and squeezing the picture.

Subject Barr was shown pictures of broken pictures (glass), a window blind protruding into the residence, and a window screen laying inside on a couch (see **Exhibit D**). Subject Barr said Witness [redacted] broke the pictures, but she did not know how, nor did she see Witness [redacted] do it. Subject Barr said she was outside by herself and when she (Barr) came back inside, she saw the glass on the floor.

Subject Barr said Witness [redacted] caused the damage to the window blinds and screen. She said she told Witness [redacted] to leave and Witness [redacted] left of her own free will. Subject Barr said she locked the door, thought the argument was over, went out in the backyard, and did not see or hear Witness [redacted] force herself back inside through the window. She said she did not try to stop Witness [redacted] from coming back inside and thought when she ([redacted]) left, Witness [redacted] would go next door with one of their friends. Subject Barr said her [redacted] was not awoken during this incident and their neighbors did not call to check up on them.

Subject Barr was shown a copy of her booking photograph which depicted her right eye as being bruised and swollen shut. She said Witness [redacted] did not hit her and that the injury was caused by a sty and "pink eye." She said it had gotten worse over several days and eventually swelled shut. She said she claimed it as a Department injury and was initially given ointment, and later on, antibiotics. Subject Barr said she provided medical paperwork about her eye infection to Ontario Police at the scene.

Subject Barr said the argument lasted for approximately a half an hour. She said she does not like to argue so she would walk away and go smoke a cigarette or go into a room/garage.

Subject Barr said three or four Ontario Police showed up at her residence during this incident and was eventually told she was going to be arrested for domestic assault. When told that Officer [redacted] wrote in his report that she did not comply when advised to place her hands behind her back, Subject Barr said she did sit there for a minute because she could not believe what was happening. She guessed she waited a few seconds before complying.

> **IAB Note:** This incident where Sergeant [redacted] and Officer [redacted] contact Subject Barr to advise her she is being placed under arrest begins at 00:00 of **Track 4 (Exhibit C)** and ends with her compliance at approximately 05:15.

Subject Barr was also asked about Officer [redacted] claim that she pulled away from him, when Officer [redacted] gently grabbed her upper left arm. Subject Barr said she did not recall doing that and if she did, it was not intentional. Subject Barr said she did place her hands on her hips, when told to place her hands behind her back, and waited about ten seconds before placing her hands behind her back. She said this was because she could not believe what was happening to her, and added she was not "resisting or trying not to do it."

Subject Barr said at the police car she did tell Ontario Police Depart to go "15" with Witness [redacted], but did not tell them why at the time. She said she wanted Witness [redacted] arrested for breaking her picture (of her mother) and not for any physical violence from Witness [redacted].

Subject Barr said she did refuse to allow Ontario Police to take pictures of injuries they alleged she had. She said because of the way her eye was, Ontario Police did not believe her (story), and were making it seem like she had hit and beat up Witness [redacted]. Subject Barr said she did not want Ontario Police "making it look like they (we) had had this boxing match that did not happen." She said Ontario Police advised her she would be add charged if she did not take pictures and stated she did not feel she was required to take pictures.

Subject Barr was asked why not, if it was pink eye and she had documentation to show this, take pictures to show that she had no other injuries. Subject Barr said she did not like taking pictures "to begin with" and said she did not "do" Facebook or let anybody take pictures of her. She said she was under the impression she was being made the aggressor and did not want Ontario PD twisting things. She said she was not trying to be uncooperative and in hindsight she wished she had let Ontario PD take the pictures. Subject Barr said she was not refusing in order to protect Witness [redacted].

Subject Barr said there has not been an incident in the past where she and Witness [redacted] had a physical altercation, but said they have had verbal arguments. Subject Barr said Witness [redacted] is the "jealous type" and because of things that have happened in her life, Subject Barr said her (Barr) doctor believes Witness [redacted] has a PTSD (Post Traumatic Stress Syndrome) "kind of thing." She said Witness [redacted] was not in the military.

Subject Barr was played the first 15:32 of an audio provided by the Ontario Police Department (see **Exhibit C, Audio 1, track 1**). This was of Subject Barr's interaction, as recorded by Ontario Police Department, while at the Ontario Police station.

Subject Barr said she recollected her recorded conversation and was asked if she believed she was being uncooperative with the Ontario Police Department. Subject Barr said she was upset and did not want to take pictures, and did not want Ontario PD trying to "snowball" her. When asked what she meant by "snowball," she explained Ontario PD trying to make it look like she and Witness [redacted] were in a "huge physical fight." Subject Barr said she did not have injuries that would show a physical altercation occurred and had put her arms out for Ontario PD to look at. She said they could look all they wanted to, but she just did not want to take pictures. Subject Barr said she spoke to Captain Nunez (CRDF Captain) while at Ontario PD station and signed some paperwork.

Subject Barr was asked if she was intoxicated or just full of emotion. Subject Barr said she thought both and said she was upset and had been drinking. She said she was sure it played a part in it and was no "angel," but was not trying to be uncooperative. She said she has never been in a situation like that.

Subject Barr was asked if Witness [redacted] had tried to put marks on her ([redacted]) neck in the past. She said that Witness [redacted] has hurt herself in the past by "cutting," but had not done that in a long time. She said Witness [redacted] has never blamed her

(Subject Barr) for injuries Witness [redacted] has self-inflicted in the past and that it was Witness [redacted] "personal thing." She said she did not know if Witness [redacted] had ever self-inflicted the quantity of injuries all at once, as showed to her in the photographs (see **Exhibit D**).

Subject Barr was asked if there was an emergency at her house that night that, where 9-1-1 should have been called. Subject Barr said no. She said after being shown the pictures she agreed vandalism occurred at her residence, but it warranted no assistance from the Ontario Police Department. She said they (Witness [redacted]/Subject Barr) were not hitting each other, "so no."

Subject Barr said her response to Sergeant [redacted] about "delaying her life" was not professional and she could have handled it better. She said, "Absolutely, I could have handled it differently," when asked if any of her actions in this incident caused undo embarrassment or damaged the reputation the Sheriff's Department.

Subject Barr was asked about the tenant of the Core Values, *"Wisdom to apply common sense in all I do,"* and if she considered this during her argument with Witness [redacted]. Subject Barr said yes.



County of Los Angeles

Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

November 15, 2013

Sergeant Linda A. Barr, [redacted]

Dear Sergeant Barr:

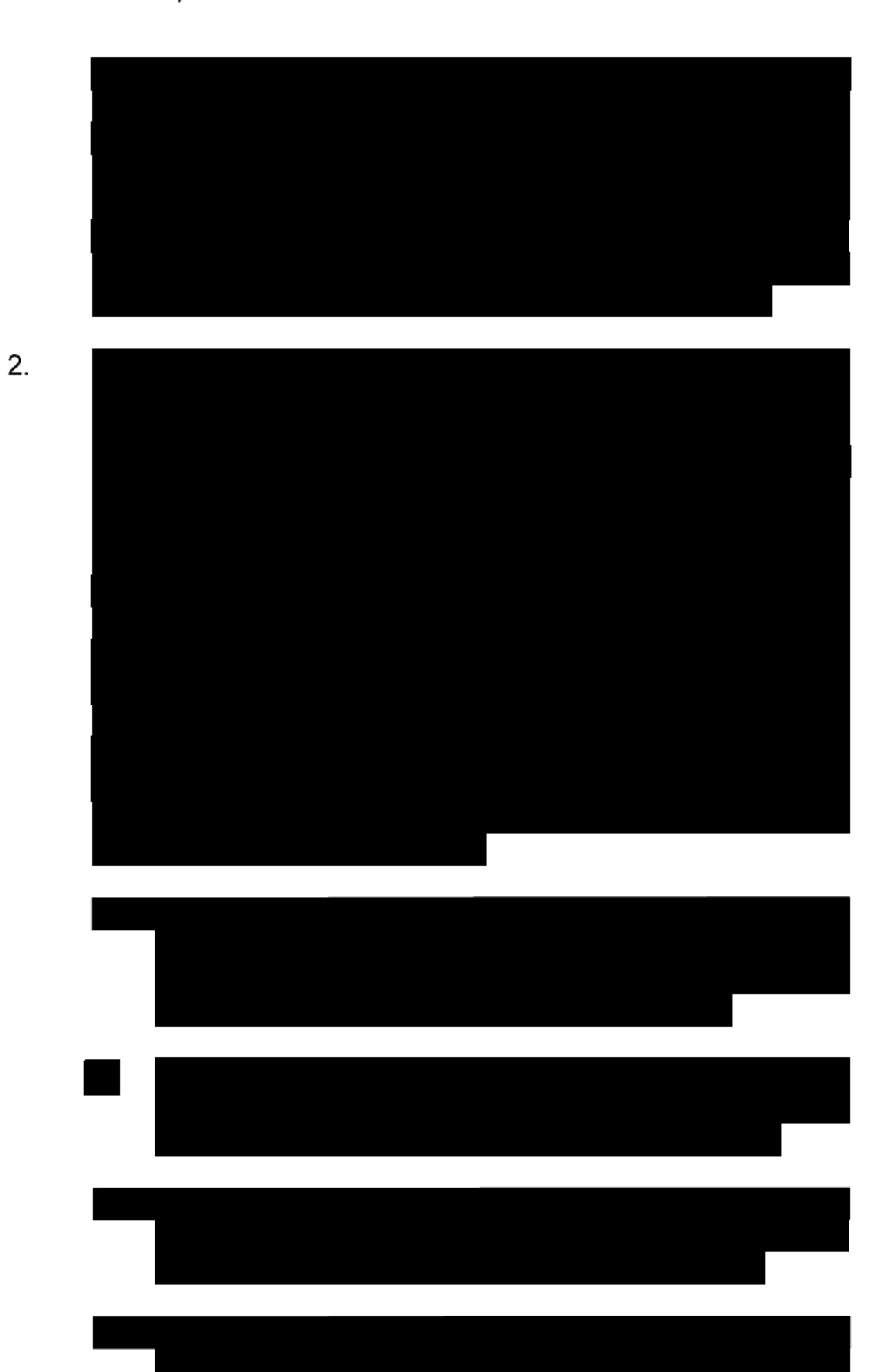
On September 4, 2013, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2316815. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, it has been determined that the recommended discipline is appropriate.

You are hereby notified that you were discharged from your position of Sergeant, Item No. 2717A, with this Department, effective as of the close of business on November 14, 2013.

An investigation under File Number IAB 2316815, conducted by Internal Affairs Bureau has established the following:

1. [redacted]



[redacted]

2. [redacted]

[redacted]

[redacted] [redacted]

[redacted]

[redacted]



[redacted]

[redacted]

[redacted]

[redacted]

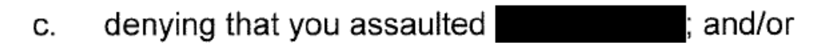
i. [redacted]

j. [redacted]

3. That in violation of Manual of Policy and Procedures Section, 3-01/040.75, Failure to Make Statements and or Making False Statements During Departmental Internal Investigations, on or about July 29, 2013, you failed to make complete, and/or truthful statements, and/or made false statements during an internal interview as evidenced by, but not limited to:

   a. denying you were involved in a physical altercation with [redacted]; and/or

   b. stating that you did not know how [redacted] sustained injuries to her body as documented in photographs by personnel from the Ontario Police Department; and/or



c. denying that you assaulted [redacted]; and/or

d. denying that you were assaulted by [redacted].

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

DAVID L. FENDER, CHIEF
CUSTODY SERVICES DIVISION SPECIALIZED PROGRAMS

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

DLF:RAA:AEA:md

c: Advocacy Unit
David L. Fender, Chief, Custody Services Division Specialized Programs
Joseph B. Nu□ez, Captain, Century Regional Detention Facility
Internal Affairs Bureau
Office of Independent Review (OIR)
Judy A. Gerhardt, Captain, Personnel Administration